

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY) pending	
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Public Works/Engineering-PITS		DATE: 09/26/2012	
SUBJECT: MIDWAY STREET BLUFF REPAIR					
PRIMARY CONTACT (NAME, PHONE): Darren Greenhalgh, 619-533-3616 MS 611			SECONDARY CONTACT (NAME, PHONE): Julian Espinoza, 619-533-4384 MS 611		
COMPLETE FOR ACCOUNTING PURPOSES					
FUND	400264				
DEPT / FUNCTIONAL AREA	OTHR-00000000-GG				
ORG / COST CENTER	9913000011				
OBJECT / GENERAL LEDGER ACCT	512117				
JOB / WBS OR INTERNAL ORDER	13000908				
C.I.P./CAPITAL PROJECT No.					
AMOUNT	\$63,882.65	0.00	0.00	0.00	0.00
FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE): Fund 400848, Deferred Maintenance 2012A :\$65,000 Fund 400264, Private and Others Contb-CIP: \$63,882.65 Total Project Cost:\$128,882.65					
ROUTING AND APPROVALS					
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
Environmental Analysis		ORIG DEPT.	Nagelvoort, James	11/26/2012	
Equal Opportunity Contracting		CFO			
Financial Management		DEPUTY CHIEF			
Liaison Office		COO			
Comptroller		CITY ATTORNEY			
		COUNCIL PRESIDENTS OFFICE			
PREPARATION OF:	<input checked="" type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)	
The Chief Financial Officer is authorized to increase the Capital Improvements Program Budget in CIP S12005,					

Midway Street Bluff Repair, and to appropriate and expend \$63,882.65 from Fund 400264, Private and Others Contributions to CIP, for the purpose of providing necessary repairs to the eroded coastal bluff at the west end of Midway Street.	
STAFF RECOMMENDATIONS: Staff recommends adoption of the resolutions.	
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)	
COUNCIL DISTRICT(S):	1 (Lightner)
COMMUNITY AREA(S):	La Jolla
ENVIRONMENTAL IMPACT:	This activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15262 (Feasibility and Planning Studies). The proposed action is to move funds from Fund 400264, Private and Others Contib-CIP to WBS No. S-12005, and to authorize the expenditure of funds for design services needed to address the feasibility of potential bluff repair options. There are no construction funds or activities being approved with this action.
CITY CLERK INSTRUCTIONS:	Please send copies of the resolutions to Julian Espinoza, MS 611

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 09/26/2012

ORIGINATING DEPARTMENT: Public Works/Engineering-PITS

SUBJECT: MIDWAY STREET BLUFF REPAIR

COUNCIL DISTRICT(S): 1 (Lightner)

CONTACT/PHONE NUMBER: Darren Greenhalgh/619-533-3616 MS 611

DESCRIPTIVE SUMMARY OF ITEM:

This action will authorize an increase in the Capital Improvements Program Budget for the Midway Street Bluff Repair Project in the amount of \$63,882.65 to be used for design of repairs to the Midway Street Bluff located in the Birdrock area. This coastal bluff eroded during the 2004-2005 storm season.

STAFF RECOMMENDATION:

Staff recommends adoption of the resolutions.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

During the 2004-2005 storm season, a coastal bluff located at the west end of Midway Street in the Birdrock area eroded. Damage to the bluff includes the protective barrier, concrete viewing platform and benches, and requires repair. A CIP Project titled "Midway Street Bluff Repair" has been established to provide for the repairs to the erosion-damaged bluff, including enhanced support of the concrete surfaces and reconstructing the protective barrier at the top of the bluff. This action is to provide funding for the design of the repair work to be conducted for this project.

The City of San Diego ("Claimant") contends that due to the cascading of storm water over the BMP's (Best Management Practices) built by Webcor Construction, LP dba Webcor Builders, La Jolla View Ltd. LLC, and Baratt American collectively referred to as "Settling parties", noticeable erosion damage occurred to the coastal bluff that undermined concrete surfaces and the protective barrier at the top of the bluff. The settling Parties, without acknowledging liability or culpability, and in recognition that this is a disputed claim, agreed to a settlement with the City.

In 2007, the City received settlement funding per the Settlement and Mutual Release Agreement signed by the City of San Diego and Webcor Construction, LP dba Webcor Builders, La Jolla View Ltd. LLC, and Baratt American collectively referred to as "Settling parties".

Per the settlement agreement, these funds were set aside to be used to repair the bluff. At this time, it is requested that \$63,882.65 be appropriated and expended into the CIP project, "Midway Street Bluff Repair", to allow for the design of the repair work to proceed.

FISCAL CONSIDERATIONS:

Settlement funds in the amount of \$65,000 were paid to the City in 2007 and, per the settlement agreement, were set aside in a designated account, Fund 400264, Private and Others Contrib-CIP, to be used to repair the bluff. The amount of \$1,117.35 went to collection referral fee. The balance in the amount of \$63,882.65 is available from Fund 400264, Private and Others Contrib-CIP and is requested with this action to be appropriated and expended to Midway Street Bluff Repair.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

This action does not authorize entering into any contract or agreement; however, future contracts or agreements associated with this action will be subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:None

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This project will repair the eroded Midway Street Bluff.

Nagelvoort, James

Originating Department

Deputy Chief/Chief Operating Officer